

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

In re: BAY VISTA OF VIRGINIA, INC.,

Case No. 07-71213-SCS
Chapter 7

Debtor.

TOM C. SMITH, Chapter 7 Trustee,

Plaintiff,

v.

LITCHFORD & CHRISTOPHER, P.A.,

Defendant.

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APN: 08-7083-SCS

DEFENDANT'S LIST OF EXHIBITS AND WITNESSES FOR TRIAL

Pursuant to Local Rule 9070-1, Defendant Litchford & Christopher, P.A. ("L&C"), hereby identifies the following items as those which it may introduce as exhibits, and witnesses it may call, at the trial scheduled in this adversary proceeding for February 22-23, 2010, starting at 9:30 a.m.

Defendant reserves the right not to introduce any exhibit or call any witness, and to introduce exhibits or call witnesses in rebuttal to any evidence presented or argument advanced by Plaintiff or to impeach any testimony or other evidence. Defendant further reserves the right to introduce any exhibit shown on Plaintiff's list of exhibits. All of the witnesses will be fact witnesses.

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Attorneys for Defendant

	<u>Exhibit</u>	<u>Identified</u>	<u>Admitted</u>
A.	<i>Email</i> from Robert C. Goodman, Kaufman & Canoles, P.C. (“K&C”) to Hal K. Litchford, Litchford & Christopher, P.A. (“L&C”), redacted	_____	_____
B.	<i>Email</i> from (“K&C”) transmitting letter dated April 22, 2005, and <i>copy of check</i>	_____	_____
C.	<i>Letter</i> from Robert C. Goodman to Hal K. Litchford dated April 22, 2005, with copy of check	_____	_____
D.	<i>Three checks</i> for \$25,000.00 each for K&C and L&C	_____	_____
E.	Monarch Bank <i>Cashier’s Check No. 5950</i> , dated April 20, 2005 (\$100,000.00) and stub	_____	_____
F.	K&C <i>escrow deposit form</i>	_____	_____
G.	K&C <i>Trust Report</i> dated April 24, 2005	_____	_____
H.	K&C <i>Trust Report</i> for the period April 1 through May 31, 2005 on account of Stanley Tseng	_____	_____
I.	K&C <i>Trust Report</i> January 1, 2005 through May 31, 2005 on account of Stanley Tseng	_____	_____
J.	K&C <i>Deposit Slip</i> dated as of April 20, 2005, for SunTrust Bank Account No. 00383471	_____	_____
K.	K&C <i>Wire Request and Confirmation</i> , dated as of April 25, 2005, transferring \$25,000.00	_____	_____

L.	Four K&C <i>check request forms</i> and <i>checks with stubs</i>	_____	_____
M.	<i>Excerpt</i> of proceedings September 30, 2009	_____	_____
N.	K&C <i>Subpoena Duces Tecum</i>	_____	_____
O.	K&C <i>Initial Response</i> to Subpoena Duces Tecum	_____	_____
P.	<i>Order</i> regarding Motion to Quash	_____	_____
Q.	K&C <i>Final Response</i> to Subpoena Duces Tecum	_____	_____
R.	Bayvista, Inc. <i>Check No. 1019</i> , dated April 20, 2005 (\$100,000.00)	_____	_____
S.	Monarch Bank <i>Account Statements</i> , dated April 30 and May 31, 2005, with respect to Bayvista, Inc. acct. no. 100257476, with copies of checks	_____	_____
T.	<i>Affidavit</i> of Teresa T. White (“Ms. White”), vice president of Monarch Bank, dated as of September 17, 2009, and <i>Supplemental Affidavit</i> of Ms. White, dated as of October 13, 2009	_____	_____
U	<i>Deed</i> from Tseng Trust Agreement Number 2 (“Tseng Trust 2”) dated as of February 23, 2005 conveying 3800 Dupont Circle, Virginia Beach, Virginia (the “Property”) to Bayvista, Inc.	_____	_____

V.	SBBCC <i>first draw request</i> dated February 28, 2005	_____	_____
W.	SBBCC <i>second draw request</i> dated March 31, 2005	_____	_____
X.	SBBCC <i>fourth draw request</i> dated July 31, 2005	_____	_____
Y.	<i>Check</i> from Terri-fic to SBBCC for \$196,356.58	_____	_____
Z.	McLeskey <i>commitment letter</i>	_____	_____
AA.	Stanley Tseng net worth statement	_____	_____
BB.	Trustee's <i>Deed for Sale</i> of property for \$5,000,000	_____	_____

Defendant's List of Witnesses

Hal K. Litchford
Donald E. Christopher
Robert C. Goodman, Jr.
Paul K. Campsen
Susie Austin
Tom C. Smith
Teresa T. White

Date: February 12, 2010

LITCHFORD & CHRISTOPHER, P.A.

By: /s/David A. Greer
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2010, I caused the foregoing *Defendant's List of Exhibits and Witnesses for Trial* to be sent via electronic transmission to Peter G. Zemanian, Esq., counsel for Mr. Smith, to his address of pete@zemanianlaw.com, and by hand delivery, with exhibits.

_____/s/ David A. Greer

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